THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21072 OF 2005

Date:27.09.2005

Between:

R. Srinivasulu, S/o R. Radha Krishna Naidu, Hindu, Aged about 34 years, occu: Driver in C.C.O. Sub Division, A.P.S.P.D.C.L., Chittoor, R/o 4/526, First Marate Street, Greampet, Chittoor, Chittoor District.

… Petitioner

AND

1. Southern Power Distribution Company of A.P.Ltd., represented by its Chief General Manager, Tirupathi, Chittoor District and others.

… Respondents

ORDER:

The petitioner claims to have been engaged as Cleaner on a vehicle belonging to the respondents, for several years, up to the year 2004. It is also his case that his services were utilized as driver for some time. His grievance is that he has been discontinued from being engaged, in view of an accident to the vehicle. He prays for a direction to the respondents to avail his services as driver or cleaner.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Except some statements in *proforma* disclosing that the petitioner was engaged as cleaner from 2000 onwards, there is nothing on record to disclose that the petitioner was appointed or engaged as cleaner from 1993 onwards. The petitioner himself has stated that he has been discontinued, on account of an accident said to have taken place in his hands. On the ground that he has been

acquitted in the STC filed against him, he approached the respondents to engage him once again as driver or cleaner.

It is rather unfortunate that in the recent past, appointments to various posts in the public authorities and undertakings were made at the whims and fancies of some heads of department or appointing authorities, to overcome the bans imposed on regular appointments. In most of the cases, persons were picked and chosen without providing opportunity to eligible candidates possessing requisite qualifications for the post. The effect of the same, on the functioning of the departments, cannot be ignored. When thousands of qualified and meritorious persons are languishing without employment, selected few were favoured irrespective of their suitability or efficiency.

The circumstances, under which the petitioner came to be engaged as driver or cleaner, are not before this Court. The limited material that exists on record indicates nothing more than the factum of his being paid some remuneration as cleaner. Even this arrangement was discontinued few years back, on the ground that the petitioner was responsible for an accident.

The question as to whether the respondents need the services of any driver or cleaner cannot be decided by this Court, at this stage. Even assuming that there exists any such necessity, engagement of individuals like the petitioner cannot be treated as a matter of course for adhoc appointments also. Transparency can be ensured even for adhoc appointments, if notification is issued inviting applications from eligible persons. Any other method would only erode the transparency or efficiency of the organization.

For the foregoing reasons, the writ petition is disposed of directing that, in case the respondents need the services of any drivers or cleaners, and if they intend to engage persons on contract or adhoc basis, they shall issue a notification inviting applications from eligible persons. In case, such a notification is issued, and if the petitioner responds to the same, his case also shall be

considered along with others. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:27.09.2005

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